

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT SCOTT	:	CIVIL ACTION
	:	
v.	:	No. 11-3282
	:	
BRIAN THOMPSON, et al.	:	

ORDER

AND NOW, this 12th day of August, 2011, upon careful and independent consideration of Petitioner Robert Scott's pro se Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus, and after review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey and Scott's objection thereto, it is ORDERED:

1. Thompson's objection to the Report and Recommendation is OVERRULED¹;
2. The Report and Recommendation is APPROVED and ADOPTED;
3. The petition for a writ of habeas corpus is DISMISSED;
4. There is no probable cause to issue a certificate of appealability; and,
5. The Clerk of the Court shall mark this case CLOSED.

¹ In her Report and Recommendation (R&R), Judge Hey recommends that Scott's habeas petition be dismissed because Scott is not challenging the constitutionality of his conviction but instead seeks reduction of a judgment entered against him in a civil lawsuit arising from the same conduct as his criminal conviction. Although Scott filed a self-style "objection" to the R&R, he admits he does "not object to the basic content [of the R&R] and conclusion that I am not entitled to habeas corpus review." Instead, Scott contends that he was given misinformation by the Court which led him to wrongly file a habeas petition instead of a civil lawsuit pursuant to 42 U.S.C. § 1983. He asks this Court to grant him permission to file a civil complaint and seeks legal advice on how to draft such a complaint. This Court cannot provide the legal advice Scott requests. The Court notes, however, that generally a person may file a civil lawsuit without leave of the court. Because Scott does not object to the substance of the R&R, and because this Court does not have the power to grant the relief Scott seeks, Scott's objection to the R&R are overruled.

BY THE COURT:

/s/ Juan R. Sánchez

Juan R. Sánchez, J.